IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 2700 of 2005

Between:

P.Sudhakar, S/o.P.Lakshmaiah,
R/o.Dinnepativaripalle, Pulicherla Mandal, Chittoor District.

..... PETITIONER

AND

1. The Government of Andhra Pradesh, Transport

Department, rep.by its Secretary, Regional
Transport Authority, Tirupathi, Chittoor District.

2 The Motor Vehicle Inspector, Tirupathi, Chittoor District.

3 The Station House officer, Chandragiri police station,

Chandragiri, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ, order or direction declaring the action of the respondents in seizing and detaining petitioner's Motor vehicle bearing Registration No.AP 04-C 6818 pursuant to the vehicle check Report No.331925, dated 15-1-2005 of the 2nd respondent herein as arbitrary, illegal and unconstitutional.

Counsel for the Petitioner:MR.T.NAGARJUNA REDDY

Counsel for the Respondent Nos.1 and 2: GP FOR TRANSPORT

Counsel for the Respondent No.3: GP FOR HOME

The Court at the admission stage made the following O R D E R:

This writ petition is filed seeking a Writ of Mandamus declaring the action of the 2nd respondent in seizing and detaining the petitioner's vehicle bearing Registration No.AP 04-C6818 vide check report No.331925 dated 15.01.2005 as illegal and arbitrary and consequently direct the respondents to release the vehicle of the petitioner forthwith.

The vehicle in question belonging to the petitioner was seized on 15.01.2005 by the 2nd respondent on the ground of certain irregularities alleged to have been committed by the petitioner, which are mentioned in the vehicle check report No.331925.

Having regard to the facts and circumstances of the case, I consider it appropriate to dispose of the writ petition directing the respondents to forthwith release the subject motor vehicle to the interim custody of the petitioner subject to the petitioner depositing Rs.5,000/- (Rupees Five Thousand Only) and on filing an undertaking to the effect that he would not alienate, sell, encumber or transfer the vehicle in question in favour of third parties, pending enquiry before the 1st respondent and he shall furnish the vehicle as and when required by the respondent-authorities in the course of enquiry and investigation. No costs.

16..02..2005

Note:Wire at party's cost

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To

1. The Secretary, Regional Transport Authority, Government of Andhra Pradesh, Transport

Department, Tirupathi, Chittoor District.

2 The Motor Vehicle Inspector, Tirupathi, Chittoor District.

3 The Station House officer, Chandragiri police station,

Chandragiri, Chittoor District.

4. Two CCs to G.P. for Transport, High Court of A.P. Hyderabad (OUT).

5. Two CCs to G.P. for Home, High Court of A.P. Hyderabad (OUT).

6. Two CD copies.